

REMARKS/ARGUMENTS

After the foregoing amendment, claims 1, 2, 5-14, 16, 17, 19, 21, 22, 25-36, 39 and 42 are currently pending in this application. Claims 43-61 are canceled. Claims 1, 16, 17, 19, 21, 35, 36, 39 and 42 have been amended.

Claim Rejections - 35 USC §103

Claims 1, 2, 8-14, 16 and 17 are rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 6,862,457 to Sarkar et al. (hereinafter "Sarkar") in view of U.S. Patent No. 6,256,500 to Yamashita. Claims 1, 2, 8-14, 16, 17, 19, 21, 22, 28-36, 39 and 42 are rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 6,618,596 to Uchida in view of Yamashita. Claims 5-7 are rejected under 35 USC §103(a) as being unpatentable over Sarkar in view of Yamashita and U.S. Patent Application Publication No. 2001/0041584 to Watanabe. Claims 5-7 and 25-27 are rejected under 35 USC §103(a) as being unpatentable over Uchida in view of Yamashita and Watanabe.

Sakar discloses a method and apparatus for adaptive reverse link profile control using mobility profiles. Sakar also discloses adaptively controlling the power level of transmissions from a remote station by determining the velocity of the remote station.

Yamashita discloses a mobile radio communication system with macro and micro cell handoff based on mobile determined crossing rates and fading rates.

Uchida discloses a communication system, apparatus, method, and recording medium for mobile communication.

Claims 1, 21 and 42, as amended, recite a method step, processing unit and signal adaptation code segment used to determine whether a measurement of a metric of a modulation attribute is 1) an amplitude of the wireless signal, 2) a frequency of the wireless signal, or 3) a phase of the wireless signal (see decision block 410 in Figure 4 of the instant application). The motion of a communication device, associated with a signal path over which the wireless signal is transmitted,

is instantaneously detected based on the determined measurement, a parameter adjustment is selected, based on the instantaneously detected motion, and the parameter adjustment is performed.

Sakar, Yamashita and Uchida, alone or in combination, fail to teach or suggest determining whether a measurement of a metric of a modulation attribute is an amplitude of the wireless signal, a frequency of the wireless signal, or a phase of the wireless signal, and detecting motion of a communication device, associated with a signal path over which the wireless signal is transmitted, based on the determined measurement.

Claims 2, 5-14, 16, 17, 19, 22, 25-36 and 39 are dependent upon claims 1 and 21, respectively, which the Applicant believes are allowable over the cited references of record for the same reasons provided above.

Based on the arguments presented above, withdrawal of the 35 USC §103(a) rejection of claims 1, 2, 5-14, 16, 17, 19, 21, 22, 25-36, 39 and 42 is respectfully requested.

Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed to place this application in condition for allowance, or that a telephonic interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

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Application No.: 09/772,176

In view of the foregoing amendment and remarks, Applicant respectfully submits that the present application is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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Enclosure
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